

## REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 2-5, 8-30, and 32 are currently pending. Claims 33-36 are canceled. Claims 8, 17, 23, and 32 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### II. REJECTIONS UNDER 35 U.S.C. §103

Claims 8, 3, 4, 9-13, 17, 19, 23-27 were rejected under 35 U.S.C. §103 as allegedly unpatentable over U.S. Pat. No. 7,013,477 to Nakamura et al. ("Nakamura") in view of U.S. Pat. No. 6,973,669 to Daniels in view of U.S. Patent No. 5,027,400 to Baji et al. ("Baji") in view of U.S. Pat. App. Publ. No. 2002/0166120 of Boylan III et al. ("Boylan");

Claims 2 and 18 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Daniels, Baji, Boylan and further in view of U.S. Patent Application Publication No. 2002/0019769 of Barritz et al. (hereinafter, merely "Barritz");

Claims 5, 14, 20, and 28 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Daniels, Baji, Boylan and further in view of U.S. Patent Application Publication No. 2003/0192060 of Levy;

Claims 15, 16, 21, 22, 29, and 30 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Daniels, Baji, Boylan and further in view of U.S. Patent No. 6,285,818 to Suito et al. (hereinafter, merely "Suito"); and

Claim 32 was rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Baji, and Boylan;

Claims 33-35 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Daniels, Baji, and Boylan and further in view of U.S. Pat. App. Publ. No. 2005/0108095 of Perlmutter, and

Claim 36 was rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Baji, Boylan and Perlmutter.

Applicants respectfully traverse these rejections.

Claim 8 is representative and recites, *inter alia*:

"... said information related to each of a plurality of commercial broadcast information being one selected from the group consisting of (a still image, text, and graphic) each displayed in a line at an upper portion of the display according to the second sequence, the information related to the selected one of the plurality of commercial broadcast information is replaced with a different still image, text, or graphic after the reproduction of the selected commercial broadcast information" (emphases added)

Two arguments are presented:

- A. The image, text, or graphic representing the CM is replaced with a different image, text or graphic after the CM is reproduced

A still image, text, or graphic representing the commercial (CM) is represented in a line at the top of the display. After the CM is reproduced, the still image, text, or graphic is replaced with a different still image text or graphic. As described in the as-filed specification:

The designated commercial broadcast is read from the storage unit 3 (storage unit 13 in FIG. 2) and reproduced. Also, after the reproduction of this commercial broadcast, an image, text, or graphic indicating that this commercial broadcast has been already reproduced is displayed on the display screen of the reproduction unit. Publ. App. par. [0101].

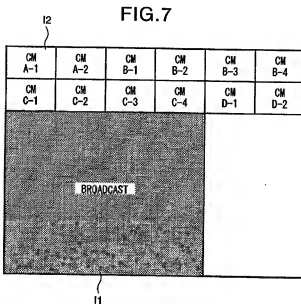
None of the cited references describe the claim, taken as a whole, to display commercial messages for selection and, after reproduction of the commercial message, to replace the still image, text, or graphic with another still image, text, or graphic unique.

- B. The sequence of CM displayed in the line at the top of the display is in the order as the CM were received

The broadcast information is made up of broadcast portions separated by commercial portions. The broadcast portions are in a first sequence, and the commercial portions in a second sequence.

The CM information (e.g., a still image, text, or graphic) representing each commercial portion is all displayed in a line at an upper portion of the display that is also displaying the broadcast program below. Moreover, the CM information corresponding to the broadcast commercial portions are displayed according to the sequence in which the commercial portions were received. That is, in the second sequence.

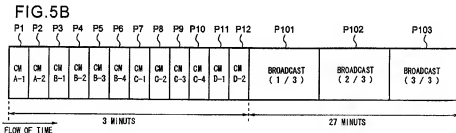
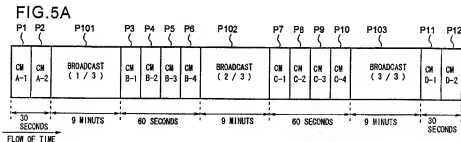
This is illustrated in FIG. 7 of the as-filed specification.



The designations CMA-1, CMA-2 . . . CMD-1, CMD-2 refer to commercials received in each commercial portion of the broadcast information. The commercials are received in the

sequence shown. That is, CMA-1, CMA-2 are the first commercials in the broadcast; CMB-1 to CMB-4 are the commercials in the next break in the broadcast, and so on.

The sequencing of commercials CMA-1 to CMD-2 is shown in As-Published application FIGS. 5A-5B:



Thus, the CM information representing the commercials in the broadcast are arranged in the order as received and are arrayed at the top of the display in the sequence received in the broadcast program information. Publ. App. par. [0096]-[0097] and FIG 7.

Boylan FIGS. 2 and 13 do not combine to disclose the above recited feature of claim 8. Indeed, Boylan appears to re-array commercials into "Global" and "Local" content.

The Office Action, par. 8 at page 17, points to Baji col. 3, line 58 –col. 4, line 13, and col. 8, lines 9-10 for the above recited elements of claim 8. However, at the cited location, or anywhere else in Baji, Baji fails to disclose the above recited elements of claim 32 because: Baji

does not describe (1) culling information which is a still image, text, or graphic for each of the broadcast commercials, (2) presenting those information in a line at an upper part of the display while the broadcast program is being reproduced on the display below, and (3) enabling the viewer to select a particular commercial from the displayed listing.

Indeed, at most (which is not conceded) Baji at col. 3, line 58 –col. 4, line 13 is describing a broadcaster inserting commercials into a broadcast program in various orders. And at col. 8, lines 9-10, Baji is merely stating commercial insertion can be done by the receiver of the broadcast. However, Baji is not describing a still image, text, or graphic related to the commercial is displayed in a line at the upper part of the display in the order received.

None of the references Nakamura, Daniels, Baji, Boylan, Barritz, Suito, Levy, and Perlmutter disclose all of the elements recited in claim 8.

Hence, the unique combination of elements recited in +claim 8 is believed patentable over the cited references because those references taken alone or in combination do not disclose or render predictable each and every element recited in the claim.

Independent claims 17, 23, and 32 are believed patentable for substantially the same reasons as claim 8.

### III. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed

to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

Claims 2-5, 8-30, and 32-36 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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